

THE EFFECTIVE DATE OF THIS ORDINANCE IS OCTOBER 1, 2008

ORDINANCE NO. 08-24-500

RE: An Ordinance to Amend Section 1-5-26 to provide for minimum requirements for proper restraint, shelter, protection and care for dogs

The Board of County Commissioners of Frederick County, Maryland recognizes that under Maryland criminal law it is an offense for the owner of a domestic animal to not provide adequate shelter, clean water and nutrition to the animal. The Board further recognizes that there are certain impediments to the criminal prosecution of such an offense.

The Board notes that compliance with Chapter 1-5 of the Frederick County Code (Animals) may be enforced as a civil infraction under Frederick County Code Section 1-5-53. The Board believes that it is appropriate, and in the best interests of the health, safety and welfare of the citizens of the County, to provide for a means to gain compliance with basic living standards for domestic animals less draconian than a criminal penalty.

The Board further recognizes that it is contrary to the essential nature of a domestic animal to be tethered and restrained for long periods of time. Tethering and restraint of long and uninterrupted duration deprives the owner and the animal of the mutually beneficial interaction which is at the core of the owner-pet relationship.

The Board has determined that it is appropriate to codify certain basic standards for shelter, water, nutrition and tethered restraint of domestic animals and provide that a civil infraction is an appropriate sanction to encourage compliance with those standards.

The County Commissioners held a duly advertised public hearing concerning this proposed Ordinance on September 23, 2008. The public had an opportunity to comment on this ordinance at this public hearing.

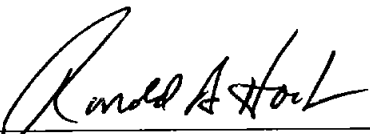
NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that the Board hereby enacts new Section 1-5-26 of the Frederick County Code as shown on the attached Exhibit A, which is incorporated herein by reference.

AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on October 1, 2008.

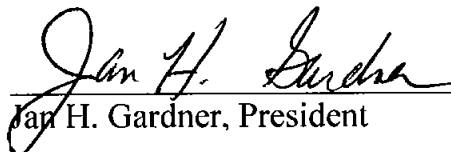
The undersigned hereby certifies that this Ordinance was approved and adopted on the 23rd day of September, 2008.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND



Ronald A. Hart
County Manager



Jan H. Gardner, President

MJC 9/29/08

EXHIBIT A

1-5-26 Proper Restraint, Shelter, Protection and Care for Dogs

(A) Restraint Requirement

- (1) It shall be unlawful for any person to tether, fasten, chain, tie, restrain or cause a dog to be fastened, chained, tied or restrained to any stationary or inanimate object by means of a rope, chain, strap or other physical restraint for the purpose of confinement for more than ten (10) hours, cumulatively in any twenty-four-hour period.
- (2) The dog must be tethered by a non-choke type collar or a body harness to a tether that is at least four (4) times the body length of the dog, measured from the dog's nose to the back of the hindquarters, or at a minimum be ten (10) feet in length, and which the tether is free from entanglement.
- (3) The tether shall have swivels at both ends and all areas of confinement shall be maintained as to provide a safe and healthy environment for the dog.
- (4) An individual found chaining or tethering an animal in violation of this section has thirty (30) days to provide other means of confinement, as long as other conditions of confinement and care are being met. The grace period is null and void immediately if the owner, at any time during the grace period, is not in compliance with other applicable laws relating to animals.
- (5) Individuals who do not comply within the thirty (30) day grace period are subject to fines and penalties stipulated in this chapter.

(B) Shelter and Outdoor Enclosure Requirements

- (1) Proper shelter, including protection from the weather and elements shall be provided, at all times. The shelter for a dog shall have a weatherproof roof, enclosed sides, a doorway, and a solid floor raised at least two inches (2") above the ground. No interior surfaces shall be metal. The shelter shall have an entryway that the dog can easily enter and sufficient in size for a dog to stand, turn around, lie down, and exit in a natural manner. The shelter shall have adequate ventilation and protection from temperature extremes at all times.
- (2) Bedding, such as wood shavings, straw or other material, shall be provided in sufficient quantity for insulation. Bedding shall be kept dry.
- (3) Shade, separate from the shelter, either natural or manmade, shall be available at all times to a tethered dog, or a dog confined to an outdoor enclosure.
- (4) Any dog confined within an outdoor enclosure must have adequate space for exercise. A minimum of one hundred (100) square feet is required. Dogs over seventy-five (75) pounds must have an additional fifty (50) square feet. Seventy-five (75) square feet is required for each additional dog kept within the same enclosed area.

(C) Care Requirements

- (1) Any person owning or having care, control or custody of a dog shall provide daily food that is free from contamination and is of sufficient quantity and nutritive value to maintain the animal in good health.
- (2) Potable water must be accessible to the dog at all times.
- (3) The dog must receive care and medical treatment for injuries, parasites and disease, sufficient to maintain the dog in good health.
- (4) Any outdoor area where a dog is confined must be kept free of excretions and contaminated materials and cleaned regularly.

(D) Penalties

A violation of this section may result in a civil citation pursuant to 1-5-53 of this Chapter, or impoundment of the dog(s), or both.